

ASSEMBLY BILL

No. 683

Introduced by Assembly Member Wiggins

February 23, 1999

An act to amend Section 25503.4 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 683, as introduced, Wiggins. Alcoholic beverages: tied-house restrictions.

Existing law generally prohibits a manufacturer, winegrower, manufacturer's agent, California winegrower's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of that person from, among other things, providing a licensee alcoholic beverages as free goods as a part of any sale or transaction involving alcoholic beverages, or furnishing anything of value to a licensee for specified purposes. However, existing law authorizes any winegrower, California winegrower's agent, importer, or any director, partner, officer, agent, or representative of that person, to conduct or participate in an instructional event for consumers held at a retailer's premises featuring wines produced by or for the winegrower or imported by the importer, subject to certain specified conditions. In this connection, existing law permits a winegrower, California winegrower's agent, or wine importer, in advance of an instructional event for consumers being held at a retailer's premises, to list in an advertisement the name and address of the retailer, the names of the wines being featured at the

instructional event, and the time, date, location of, and other information about, the instructional event, if certain requirements are met.

This bill would delete the above authorization relating to advertisements.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25503.4 of the Business and
2 Professions Code is amended to read:

3 25503.4. (a) Notwithstanding any other provision of
4 this division, a winegrower, California winegrower's
5 agent, wine importer, or any director, partner, officer,
6 agent, or representative of that person, may conduct or
7 participate in, and serve wine at, an instructional event
8 for consumers held at a retailer's premises featuring
9 wines produced by or for the winegrower or, imported by
10 the wine importer, subject to the following conditions:

11 (1) No premium, gift, free goods, or other thing of
12 value shall be given away in connection with the
13 instructional event by the winegrower, California
14 winegrower's agent, wine importer, or retailer, except as
15 authorized by this division.

16 (2) No alcoholic beverages shall be given away in
17 connection with the instructional event; provided,
18 however, that wine, taken from barrels or from tanks,
19 may be sampled at the instructional event. For the
20 purposes of this section, minimal amounts of the samples
21 provided for tasting at the instructional event in addition
22 to the wines being featured shall not constitute a thing of
23 value.

24 ~~(b) Notwithstanding any other provision of this~~
25 ~~division, a winegrower, California winegrower's agent, or~~
26 ~~wine importer, in advance of an instructional event for~~
27 ~~consumers being held at a retailer's premises, may list in~~
28 ~~an advertisement the name and address of the retailer,~~
29 ~~the names of the wines being featured at the instructional~~

1 ~~event, and the time, date, and location of, and other~~
2 ~~information about, the instructional event, provided:~~

3 ~~(1) The advertisement does not also contain the retail~~
4 ~~price of the wines.~~

5 ~~(2) The listing of the retailer's name and address is the~~
6 ~~only reference to the retailer in the advertisement and is~~
7 ~~relatively inconspicuous in relation to the advertisement~~
8 ~~as a whole. Pictures or illustrations of the retailer's~~
9 ~~premises and laudatory references to the retailer in such~~
10 ~~advertisements are not hereby authorized.~~

11 ~~(e)~~ Notwithstanding any other provision of this
12 division, the name and address of a winegrower, wine
13 importer, or winegrower's agent licensee, the brand
14 names of wine being featured, and the time, date,
15 location, and other identifying information of a wine
16 promotional lecture at retail premises may be listed in
17 advance of the event in an advertisement of the off-sale
18 or on-sale retail licensee.

19 ~~(d)~~

20 ~~(c)~~ Nothing in this section authorizes a winegrower,
21 wine importer, or winegrower's agent licensee to share in
22 the costs, if any, of the retailer licensee's advertisement.

23 ~~(e)~~

24 ~~(d)~~ Nothing in this section authorizes any person to
25 consume any alcoholic beverage on any premises
26 licensed with an off-sale retail license.